

**AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 12, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS - 2008-0118 to 2008-0132**  
**ORDINANCES - 2008-0106 to 2008-0128**  
**RESOLUTION – 2008-0003**

**2008-0117-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Lovell

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**Motion 2008-0118 – Procedural motion**  
**Motion 2008-0119 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - FEBRUARY 13, 2008 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 30**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. **Motion 2008-0120**  
CONFIRMATION of the appointment of the following to the **ETHICS COMMITTEE**, for two-year staggered terms:  
Position Five - **MR. RICK CAGNEY**  
Position Seven - **MR. JOHN J. DOUGLASS**
2. **Motion 2008-0121**  
REQUEST from Mayor on recommendation from the Houston Bar Association to confirm the reappointment of **MR. RAUL SUAZO** to Position One and on recommendation from the Harris County Medical Society to confirm the reappointment of **MR. EUGENE V. BOISAUBIN, M.D.** to Position Three of the **ETHICS COMMITTEE**, for terms to expire December 31, 2009

**ACCEPT WORK** - NUMBERS 3 through 7

**3. Motion 2008-0122**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,856,372.50 and acceptance of work on contract with **MORGANTI TEXAS, INC** for Southwest Multi-Service Center, WBS D-000072-0001-4 - 23.20% over the original contract amount - **DISTRICT F - KHAN**

**4. Motion 2008-0123**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,302,362.85 and acceptance of work on contract with **RESICOM, INC** for MacGregor Park Road Improvements, WBS F-504A21-0021-4 - 4.09% over the original contract amount **DISTRICT D - ADAMS**

**5. Motion 2008-0127**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$208,919.88 and acceptance of work on contract with **BOYER, INC** for Mason Park Pavilion, WBS F-000615-0001-4 - 4.86% over the original contract amount - **DISTRICT I - RODRIGUEZ**

**6. Motion 2008-0128**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$180,769.75 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program - 34 Corners, WBS N-000610A-00H6-4 - 3.48% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM and I - RODRIGUEZ**

**7. Motion 2008-0124**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,637,633.34 payable to the **Surety, UNITED FIRE AND CASUALTY COMPANY** on contract awarded to **GSG TEXAS, INC** and acceptance of work for 36-inch Water Line along N. Eldridge Parkway from South of IH-10 ROW to Sandbridge Drive, WBS S-000900-0097-4 - 15.30% under the original contract amount - **DISTRICT G - HOLM**

**PROPERTY** - NUMBER 8

**8. Motion 2008-0125**

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Tony Alexander, et al., Cause No. 881,204; for acquisition of Parcels CY4-006 and CY4-007; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-3 - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - NUMBERS 9 through 30

**9. Resolution 2008-0003**

RESOLUTION approving and authorizing the submission of an application for grant assistance to the State of Texas through the Governor's Criminal Justice Division ("CJD") for a Safe and Drug Free Schools and Communities (SDFSC) Act Fund Grant to support the After-School Achievement Program (ASAP); declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**10. Ordinance 2008-0106**

**AGENDA - FEBRUARY 13, 2008 - PAGE 3**

ORDINANCE approving and authorizing the sale and a Special Warranty Deed conveying to Houston Independent School District (HISD) of a tract of land containing 0.6012 acres (26,188 square feet), more or less, located in the John Austin 2 Leagues Survey A-245, Harris County, Texas, Parcel SY8-008, for expansion of the Helms Community Learning Center, 503 West 21st Street, in consideration of HISD's dedication of an easement for sanitary sewer purposes containing 0.0278 acres (1,210 square feet), more or less, Parcel DY8-026, payment of \$556,000.00 and other consideration to the City - **DISTRICT H - GARCIA**

**RESOLUTIONS AND ORDINANCES** - continued

**11. Ordinance 2008-0107**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Ellen Lane from Sheffield Road to Lila Lane (Parcel SY6-011), and a portion of Lila Lane, adjacent to Lots 5 and 7, Block 12 (Parcel SY6-019), vacating and abandoning said lanes to Womble Company, Inc., the abutting owner, in consideration of its conveyance to the City of two easements for right of way purposes (Parcels AY6-076A and AY6-076B) for, and the construction of a cul-de-sac at the dead-end portion of Lila Lane, and its payment of \$600.00 (minimum fee) and other consideration to the City; the abandonment parcels and the conveyance parcels all located within Woodland Acres Replat, Houston, Harris County, Texas - **DISTRICT E - SULLIVAN**

**12. Ordinance 2008-0108**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the former Interwood Municipal Utility District Site (Parcel SY6-001), located in the Willis Avery Survey, A-104, Houston, Harris County, Texas, containing 244,488 square feet (5.613 acres) of land, more or less; vacating and abandoning said tract of land to Sunlake Limited, abutting owner, in consideration of owner's payment of \$97,800.00 and other consideration to the City - **DISTRICT B - JOHNSON**

**13. Ordinance 2008-0109**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide storm sewer easement from Post Oak Place Drive South to its terminus (Parcel SY7-029), located in Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, William White Survey, A-836, Harris County, Texas, containing 2,901 square feet (0.0666 acres) of land, more or less; vacating and abandoning said easement to LG Law Limited Partnership, owner, in consideration of owner's payment of \$94,282.00 and other consideration to the City - **DISTRICT G - HOLM**

**14. Ordinance 2008-0119**

ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** for hosting the Spring 2008 NCAA Division II Sports Championships in Memorial Park and other City of Houston Park Facilities - **DISTRICT G - HOLM**

**15. Ordinance 2008-0110**

ORDINANCE amending City of Houston Ordinance No. 2008-52 relating to the reorganization of the Finance & Administration Department to correct scrivener's errors and the omission of other provisions relating to the subject of such ordinance

**Motion 2008-0126 – Suspend rules to consider Item 16 out of order**

**16. Ordinance 2008-0118**

ORDINANCE ordaining the City of Houston's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("ACT"), providing certain incentives, designating a liaison for communication with interested parties, and nominating **DELOITTE LLP AND SUBSIDIARIES** to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as an enterprise project

**17. Ordinance 2008-0128**

ORDINANCE approving and authorizing first amended and restated Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to assist in the administration of the Harris County Stay In School Program

**18. Ordinance 2008-0120**

ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD") for the Police Storefront Crisis Team Grant/16 Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**RESOLUTIONS AND ORDINANCES** - continued

**19. Ordinance 2008-0111**

ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston, the **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)**, the **METRO POLICE DEPARTMENT** and the **FORT BEND COUNTY SHERIFF'S OFFICE**; for their participation in the Major Accessory Shop Enforcement/16 Grant

**20. Ordinance 2008-0121**

ORDINANCE approving and authorizing contract between the City of Houston and **AKIN, GUMP, STRAUSS, HAUER & FELD, LLP** for Representation before the United States Congress and Federal Agencies - 3 Years - \$828,000.00 - General Fund

**21. Ordinance 2008-0122**

ORDINANCE awarding contract between the City of Houston and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services for General Services Department; providing a maximum contract amount - 5 Years with two one-year options - \$8,336,069.00 - General Fund

**22. Ordinance 2008-0123**

ORDINANCE amending Ordinance No. 2005-0314 to increase the maximum contact amount of Contract No. 54733 between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Dewatering, Processing, Hauling and Disposal of Biosolids from the City's Wastewater Treatment Plants - \$1,200,000.00 - Enterprise Fund

**23. Ordinance 2008-0112**

ORDINANCE appropriating \$551,600.00 out of Public Library Consolidated Construction Fund; \$137,900.00 out of Parks Consolidated Construction Fund; approving and authorizing Professional Architectural Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for Kendall Library Replacement/Community Center, WBS E-000094-0002-3 and F-000673-0001-3; providing funding for the Civic Art Program; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and the Parks Consolidated Construction Fund  
**DISTRICTS A – LAWRENCE and G - HOLM**

**24. Ordinance 2008-0124**

ORDINANCE appropriating \$639,100.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds under contract between the City of Houston (City) and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Bikeway Project West Houston Trail - Phase II (Contract No. C036061), WBS N-000420-019A-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G - HOLM**

**25. Ordinance 2008-0113**

**AGENDA - FEBRUARY 13, 2008 - PAGE 5**

ORDINANCE appropriating \$48,553.79 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **THE METHODIST HOSPITAL** for Construction of Water Lines along Main Street to serve the Methodist Outpatient Center, WBS S-000802-0058-4 - **DISTRICT C - CLUTTERBUCK**

**26. Ordinance 2008-0114**

ORDINANCE approving and authorizing Professional Engineering Agreement between the City of Houston and **MALCOLM PIRNIE, INC** for Treatment Optimization and Support Services; providing a maximum contract amount - 5 Years - \$3,600,000.00 - Enterprise Fund

**27. Ordinance 2008-0125**

ORDINANCE appropriating \$150,000.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INCORPORATED** for Negotiated Storm Drainage Systems Work Orders (approved by Ordinance No. 06-0151), WBS M-000126-0056-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030

**RESOLUTIONS AND ORDINANCES** - continued

**28. Ordinance 2008-0115**

ORDINANCE appropriating \$759,000.00 out of Drainage Improvements Commercial Paper Series F, Fund; awarding contract to **TJ&T ENTERPRISES, INC** for Local Drainage Project for Drainage Ditch at Colgate, Farther Point, and Pine Briar Circle, WBS M-000126-00S9-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS G - HOLM and I - RODRIGUEZ**

**29. Ordinance 2008-0116**

ORDINANCE appropriating \$2,074,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section I, WBS S-000035-00F1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA**

**30. Ordinance 2008-0117**

ORDINANCE appropriating \$2,578,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section II, WBS S-000035-00F2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBER 31

**PURCHASING AND TABULATION OF BIDS**

**31. Motion 2008-0129**

**RED RIVER SPECIALTIES, INC** - \$1,340,438.00, **HELENA CHEMICAL COMPANY** - \$1,347,979.95, **UAP DISTRIBUTION, INC** - \$1,009,855.48, **SAN JACINTO ENVIRONMENTAL** - \$54,550.50 and **PRO ALLIANCE** - \$264,391.66 for Chemicals, Lawn, Garden and Insecticide for Various Departments

**COUNCIL DRAW LOTS**

**GROUP I, Item Nos. 8 and 9** due to receiving identical bids from **UAP DISTRIBUTION** and **BROOKSIDE EQUIPMENT SALES** in the amount of \$18,812.50

**BROOKSIDE EQUIPMENT SALES drawn**

**GROUP I, Item No. 19, GROUP II, Item Nos. 44, 78 and 81** due to receiving identical bids from **HELENA CHEMICAL COMPANY, RED RIVER SPECIALTIES, INC** and **UAP DISTRIBUTION** in the amount of \$104,473.00

**RED RIVER SPECIALTIES, INC drawn**

**GROUP II, Item Nos. 41 and 68** due to receiving identical bids from **HELENA CHEMICAL COMPANY** and **RED RIVER SPECIALTIES, INC** in the amount of \$35,250.00

**RED RIVER SPECIALTIES, INC drawn**

**GROUP II, Item Nos. 46 and 65** due to receiving identical bids from **RED RIVER SPECIALTIES, INC** and **UAP DISTRIBUTION** in the amount of \$26,880.00

**RED RIVER SPECIALTIES, INC drawn**

**MATTERS HELD** - NUMBERS 32 through 36C

**32. Motion 2008-0130 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Purchasing Agent to award to **GLOBAL SEARCH ASSOCIATES, LLC** for an Executive Search for position of Deputy Director Finance & Administration for Houston Airport System - \$131,000.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBER HOLM**

This was Item 11 on Agenda of February 6, 2008

**33. Motion 2008-0131 – Postpone two (2) weeks**

ORDINANCE **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the acceptance of existing alleys by the City

**TAGGED BY COUNCIL MEMBER CLUTTERBUCK**

This was Item 15 on Agenda of February 6, 2008

**34. Ordinance 2008-0126**

ORDINANCE awarding contract to **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering, Hauling & Disposal Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years - \$3,852,811.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and E - SULLIVAN** - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 26 on Agenda of February 6, 2008

**35. Ordinance 2008-0127**

ORDINANCE awarding contract to **STATEWIDE TREE SERVICE, INC** for Tree Planting Services for Parks & Recreation Department; providing a maximum contract amount - 2 Years \$736,521.00 - Street & Bridge Consolidated and Grant Funds

**TAGGED BY COUNCIL MEMBER HOLM**

This was Item 27 on Agenda of February 6, 2008

**MATTERS HELD** - continued

**36. Motion 2008-0132 – Postpone two (2) weeks**

WRITTEN Motion by Council Member Clutterbuck to amend Item 36C below:

I move to amend Item 55C, revisions to Chapter 45 in section 45-163 to strike the existing number 1 and in lieu of add a new number 1 that reads: "Would require a number of off-street parking spaces pursuant to Article VIII of Chapter 26 of this Code that is greater by 100 percent or more than the number of off street parking spaces provided under the current use of the parcel;"

**a. Motion 2008-0132 – Postpone two (2) weeks**

WRITTEN Motion by Council Member Lawrence to amend Item 36C below:

Replace multi family residential development in Sec. 45-163 with residential development and to add the definition of Residential to Sec. 45-162 as follows:

**Residential** shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential

**b. Motion 2008-0132 – Postpone two (2) weeks**

WRITTEN Motion by Council Member Garcia to amend Item 36C below:

I move to modify section 45-163(3) by omitting the words "with two-way traffic."

**c. Motion 2008-0132 – Postpone two (2) weeks**

**ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to high-density multi-family development on two-way, two-lane local and collector streets

**POSTPONED BY MOTION #2008-114, 2/6/08**

These were Items 34, 34A, 34B and 34C on Agenda of February 6, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Brown first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

2/12/2008 – Council Member Garcia out of the City on City business

2/13/2008 – Council Member Garcia out of the City on City business